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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,312	07/28/2003	Chia-Ching Chiu	HOP1119513	6598
26389	7590	10/04/2005		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER DEVORE, PETER T	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,312

Applicant(s)

CHIU

Examiner

Peter T. deVore

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/28/05
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,9-12,14,24-26,28 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,9-12,14,24-26,28,30,31 and 33-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claim 32 remains withdrawn from consideration as being directed to a non-elected invention. Election was made by original presentation (see the office action mailed 3/24/05).

### ***Claim Rejections - 35 USC § 103***

The indicated allowability of claim 8 is withdrawn in view of the newly discovered reference to Sebastian. Rejections based on the newly cited reference(s) follow.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 10, 14, 24-26, 28, 31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everard in view of Tickle, Martin, and Sebastian.

The Everard reference discloses a portable washing device comprising a bottom wall, inflatable side walls comprising stacked tubular members, the upper member being C-shaped, and a drain outlet (See Figures 1 and 2), but does not disclose an opening, an air valve, a drain valve, or a heat seal/seam/increased cross-sectional contact area. However, the Tickle reference discloses a similar device including a drain valve 45 to prevent drainage during usage of the device. It would have been obvious to one of

ordinary skill in the art to employ a drain valve on the Everard device in view of Tickle to prevent drainage during usage of the device. Also, the Martin reference discloses a similar device including an opening 40 and an air valve 42 for convenient inflation of the device. It would have been obvious to one of ordinary skill in the art to employ an opening and an air valve on the Everard device in view of Martin for convenient inflation of the device. Also, the Sebastian reference discloses a similar inflatable device wherein the connection between tubular members is formed by a heat seal/seam 22 which is teardrop shaped at its end 22 (see Figure 2) which would also form a larger lateral connection area/increased cross-section contact area at the ends of the tubular members of the Everard device for a strong seal/seam/connection between the members, especially at their ends (see col. 6, lines 30-32). It would have been obvious to employ a heat seal/seam which is teardrop shaped at its end in the Everard device (which would also form a larger lateral connection area/increased cross-sectional contact area between the tubular members of the Everard device) in view of Sebastian for a strong seal/seam/connection between the members, especially at their ends.

Claims 11, 12, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everard in view of Tickle, Martin, and Sebastian as applied to claims 1 and 28 above, and further in view of Hajek.

The Everard reference discloses a device as discussed supra, but does not disclose the use of an inflatable head support structure. However, attention is directed to the Hajek reference, which discloses a similar device including an inflatable head support structure 36 for improved comfort of the user. It would have been obvious to

employ an inflatable head support structure on the modified Everard device in view of the teachings of Hajek for improved comfort of the user.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter T. deVore whose telephone number is (571) 272-4884. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Pd *Rd*

  
**JUSTINE R. YU**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**

*10/2/05*